

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

EDWARD GENE SMITH,

Defendant.

AFFIDAVIT

Case No. 1:25-cr-00004 (PAE)

STATE OF NEW YORK)

: ss :

COUNTY OF KINGS)

Edward Smith, being duly sworn, deposes and says:

1. My name is Edward Smith. I am the defendant in the above-referenced criminal action. I was arrested on September 10, 2024 and have been charged with one count of Receipt of Child Pornography, in violation of 18 USC §§ 2252A(a)(2)(B), (b)(1), one count of Possession of Child Pornography, in violation of 18 USC §§ 2252A(a)(5)(B), (b)(2), and (2); and one count of Distribution of Controlled Substances, in violation of 21 USC §§ 821, 841(a)(1) and 841(b)(2)

2. I am 49 years old. My educational background includes graduating from Harvard University in 1997. I have been married since 2012 and have two stepdaughters, ages 25 and 28.

3. Prior to my arrest, I was a managing director at Citigroup. Before employment by Citigroup, I worked at Blackrock, a multinational investment company, as a managing director from October 2018 to May 2021, Santander US, as an executive vice president and director of risk architecture from 2015 to 2016, State Street as a senior vice president from 2011 to 2015, and Oliver Wyman from 1997 to 2010.

4. On June 26, 2024, I resided at 40 Central Park South, Apartment 5E, New York, New York 10019. I woke up around 5:30am to prepare for an important morning meeting at work. By 6:00am, I was in the shower getting ready for my day. Since I was in the shower when law enforcement initially arrived, I did not realize that anyone was knocking on my door. Eventually, FBI agents entered my residence and yanked me out of my apartment by the arm and into the building's hallway. All this happened while I was completely naked and still wet from the shower. I very clearly recall my final steps before being pulled into the hallway from my apartment to be particularly forceful because I instinctively tried to stop myself from being thrown into a public hallway while I was completely nude.

5. Once I was forced into the hallway, various members of law enforcement were yelling at me from every direction. A member of law enforcement directed me to turn around, face and press up against the wall, and held my hands behind my back while I remained naked. At this point, I was in clear view of at least two of my neighbor's apartments and could be seen by anyone leaving their apartment and walking down the hall.

6. My recollection of what went on for the remainder of the time I stood naked in the hallway is somewhat hazy except I recall that someone from law enforcement handed me a towel that covered my genitals, led me back inside my apartment to the kitchen area, and instructed me to sit down. One of the two chairs I have surrounding my kitchen table was repositioned so that one chair was immediately next to me rather than placed around the table. I sat down as directed; another agent sat in a chair right next to me while another female agent was standing on the other side of me. Essentially, I was sitting while surrounded by law enforcement on both sides.

7. Based on statements made by members of the FBI and other law enforcement officers, I learned that they had obtained a search warrant and were conducting a search of my apartment including closets, and closed drawers.

8. Soon after sitting down in the kitchen, I believe it was Agent Michael Buscemi who began questioning me while a female agent was standing on the other side of me. I felt very uncomfortable being naked but for a small towel covering my genitals, especially in front of a female agent. Because of this feeling of humiliation and embarrassment, I asked if I could at least put on underwear. Agent Buscemi instructed another agent to retrieve underwear for me. I was not permitted to get up, and instead I had to verbally direct the agent to my dresser where I kept my boxers.

9. Throughout the entirety of the time law enforcement personnel, including FBI agents, were present in my apartment and pulled me out of the shower, until the end of my interrogation, I never felt that I was free to leave or could end their questioning.

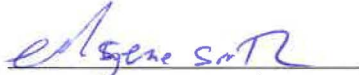
10. I have listened to the audio recordings of my interrogation. While Agent Buscemi might have said that I was free to leave at some point during the interrogation, I was never given *Miranda* warnings or told that I had a right to an attorney. In fact, based on everything that occurred from the moment I was dragged out of shower, I never had the sense or impression that I could refuse to answer any questions from any of the police officers or FBI agents who surrounded me both inside and outside my residence.

– 11. The questions as well as comments that law enforcement officers made about why they were in my apartment, searching for electronic devices and their belief that I possessed child pornography led me at some point to believe I was being arrested. For example, Agent Buscemi told me that they already knew that electronic devices in my home had child pornography, and he

asked me whether I was a “big baddie” who had physical contact with children or just a person who viewed materials depicting children. The agents made it clear that they already believed I had committed a crime and were there to investigate whether evidence of additional crimes might be obtained. Although I was not physically handcuffed, the presence of both agents cornering me in the kitchen, asking me to confess to knowingly engaging in criminal conduct, while I was given nothing to wear but a towel made it abundantly clear to me that I was not free to terminate the conversation or walk away.

12. From the moment I was dragged from the shower to the outside hallway while naked, I was in such a state of shock, humiliated and scared that I felt helpless and that I could not leave at any time.

Dated: New York, New York
March 6, 2025


Edward Gene Smith

Sworn to before me this
6 day of March, 2025


NOTARY PUBLIC

